

West Virginia Counterdrug Support Program

1 OCT 13

Purpose

- To provide a standardized compilation of policy and procedures to be used by all West Virginia National Guard (WVNG) Counterdrug Program personnel in daily operations in accomplishing our mission.

Reference

- NGR 500-2/ANGI 10-801, 29 Aug 2008, National Guard Counterdrug Support

CDTF State Leadership

- Supervisor
- CDC – Lt Col Charles A. Saunders
- Deputy J3 – LTC Larry Boggs
- J3 – LTC Joseph Peal
- JCOS – COL Harrison Gilliam
- TAG – MG James Hoyer

Legal restrictions and limitations

- Counterdrug Personnel:
 - Will not be used in a direct law enforcement role
 - Will not be used in arrests, seizures or searches
 - Will not handle chemicals or hazardous materials
 - Will not carry weapons of any type (unless authorized by the TAG); **private weapons never authorized.**
 - Will not participate directly in drug “buy” operations, nor wear body wires.

Avoiding Direct Law enforcement activities

- CDSO serves in a support role to law enforcement and will not be directly engaged in law enforcement duties (i.e. arrest, searches, seizures)
- Should not be put in situations where:
 - Direct contact with suspects
 - Direct contact with PUBLIC
 - Involved in evidence chain of custody

Intelligence Oversight

- The National Guard does not conduct Intelligence activities of its own CDSO missions
- Criminal information comes into temporary possession of National Guard members supporting LEAs but is not retained by the NG

Use of Force

West Virginia state law applies to the use of force by CD personnel.

Follow the Standing Rules for Use of Force and your training.

This is not a RUF brief!

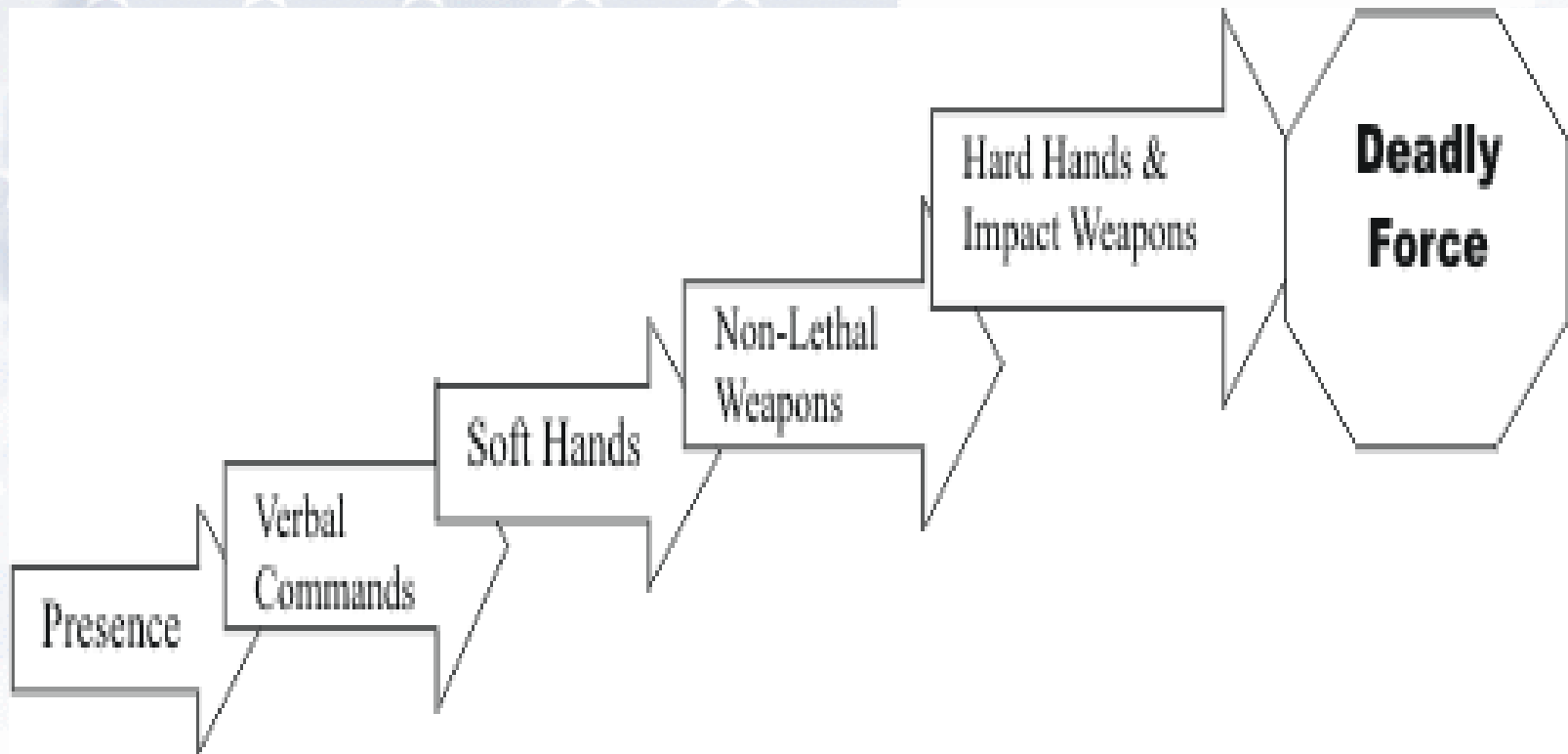
Use of Force Continuum

- 500-2 definition: Composed of five color-coded levels of force designed to correspond to officers' perceptions of the level of threat with which they are confronted and describes the progression or de-escalation of force on the basis of the demonstrated level of compliance or resistance from a subject.

Use of Force Continuum

- Use of Force Progressing Levels:
- Presence of the Defender/Officer: some examples, show of force, the appearance of properly equipped and well-disciplined personnel may reduce potential conflict
- Verbal commands: firmly order persons to comply with your direction
- Soft-hands: order to prone position, compliance & redirection techniques, display of non-lethal weapons
- Non-lethal weapons (when authorized): OC/Pepper spray
- Hard hands & Impact Weapons (when authorized): non-deadly physical force (striking or restraining), baton
- Deadly force (when authorized): firearm

WV Use of Force Continuum Chart



Rules of Evidence

- Rules of evidence in civilian and military courts generally provide that physical objects cannot be accepted into evidence unless a chain of custody can be established
- Only LEOs should seize, handle and/or maintain custody of items that may be considered as evidence

Safety

- Safety is a primary concern of the CD Staff and will be emphasized in all planning and during all operations
- Accident prevention is everyone's responsibility and an inherent function of leadership

POV-Safety

- Always Fasten Seat Belts
- **Never Drink and Drive!!!!**
- New Airbag Guidelines

POV - Safety

- Hot Cars - **Don't leave pets or children unattended**
- Driving Limitations
- Emergency Supplies

POV-Safety

- General Safety Concerns
 - Driving at night
 - Fatigue
 - Alcohol
 - Speed
 - Headlights

POV-Safety

- West Virginia State Code 17C-15-49, wearing your safety belt in a motor vehicle is mandatory
- Texting while driving became illegal on July 1, 2012
- Handheld cell phone use became illegal on July 1, 2013
- EO 13513 - FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING

Force Protection

- Must address RISK posed to CD personnel & equipment by mission; pre-op coordination/planning with LEA/CBO a must.
- Execute mission threat assessment using DA 7566 as a guide.
- Threat assessment determines mission acceptance or declination.

Tort Protection

- Tort = civil wrong = money damages
- CD duties performed in a Title 32 status are covered by the **Federal Tort Claims Act**, as long as acting within the scope of authorized duties. U.S. substitutes for Soldier in lawsuit and indemnifies any judgment.
- Duties performed in SAD status fall under State law.
- Members could be found personally liable if actions are found to be outside the scope of duties.

Standards of Conduct

Conduct yourself in accordance with the Joint Ethics Regulation (JER) = DoD 5500.7R.

When in doubt about an ethical issue, contact your chain of command.

The Code & Army Values

PRINCIPLES OF ETHICAL CONDUCT

1. Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as [provided for by regulation], solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.

8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Loyalty

Duty/Selfless
Service
Selfless
Service

Loyalty &
Integrity

Duty &
Honor
Integrity

Loyalty &
Integrity

Respect &
Integrity

Duty &
Loyalty

Loyalty &
Selfless
Service

Personal
Courage

Duty &
Integrity

Duty Status

- All positions are Full-time National Guard Duty (FTNG) (except CDC) and funded IAW annual budget
 - **Section 112, Title 32, United States Code (32 USC 112) 502 (f)**

Pay and Allowances

- Paid at current rank with years of service
- Authorized subsistence
- Authorized BAH if orders are longer than 30 days
- Authorized BAH II if orders are fewer than 29 days
- Retirement Points – 1 Point for each day active

Separation Pay

- Personnel involuntarily separated on continuous AD for at least 6 years without a break in service may be entitled to separation pay
- Separation allowance recouped from retirement pay at age 60 and taxable

Involuntary Separation

- Loss of membership in Guard
- Testing positive on urinalysis test
- Agency request (supported w/documents)
- Misconduct or unbecoming actions
- Documented pattern of inefficiency
- Flagging actions
- Reduction in Force

Leave

- Leave is managed IAW AR 600-8-10 and AFI 36-3003
- Leave - Submit leave request prior to taking leave – must have agency supervisor approval
- All Army leave will be submitted through FTSMCS
- Sick Leave – must have supervisor approval and a Dr. note for periods over 3 days
- Pass - Must be approved by CDC

Leave Cont.

AF Form 988

Part I –

- Submit before Leave is taken.
- *Make sure your supervisor signs in Blk # 25.

Part III –

- Submit within 5 days after last day of leave taken.

*Make sure your supervisor signs Below Blk E.

Leave Cont.

- Convalescent leave is a non chargeable absence from duty granted to expedite a soldier's return to full duty after illness, injury, or childbirth.
- State Surgeon must approve convalescent leave for periods between 72hrs and 30 days.
- See NGWV PER 13-004

Medical and Dental

- CDSO Personnel - Enrolled in DEERS by CDHQ
- Enroll in TriCare on-line using:
<https://pki.dmdc.osd.mil/appj/bwe/indexAction.do>
- Dependents - Must be enrolled in DEERS and select a TRI-CARE plan
- TriCare Prime Remote
 - Must reside more than 50 miles(*) from the nearest MTF, and
 - Must work more than 50 miles(*) from the nearest MTF

Medical and Dental

- UCCI.com to enroll family members for Dental benefits (providers available on-line). 1-888-622-2256
- Member must request a control number before seeking dental treatment by using:
<https://secure.addp-ucci.com/ddpddw/adsm/appointment-request.xhtml>
- LOD - 24 hour notification to CDHQ and/or Unit administrator required.
- Personnel are responsible for any civilian medical/dental care received without prior authorization.

Medical and Dental Emergency

- Call 911 or Go to Nearest ER
- After Receiving Care, Call
 - Your Primary Care Provider, or
 - The Health Care Finder, or
 - The Military Medical Support Office (MMSO)
- Assistance may be provide to transfer you to a Military Hospital and process your claim.

Commissary and exchange

- You and your family members can shop at any Post Exchange (PX), Base Exchange (BX), and Class IV (Alcohol), or Commissary (grocery) store. You can even shop ONLINE!!!

- **Deferred Payment Plan**

You can apply for this special credit service designed to help you buy merchandise from the PX or clothing sales. The program gives extended payment terms at a lower annual financing rate.

Public Affairs

- Contact CD HQ for all Public Affairs Requests
 - members need to coordinate with CD HQ before LEA/CBO reports anything concerning CD members or activities

Prohibited Practices

- No political campaigning in military uniform on Duty hours
- Do not solicited for funds to supplement CD appropriations
- Adhere to Standards of Conduct

Government Travel Card

- Card is to be used for official use only.
 - Not for personal gas or shopping
- Card is to be used only when DTS orders are published and for the TDY period
- It is preferred to use card for all meals instead of getting a cash advance.
- ATM fees and cash advance fees are reimbursable

FTSMCS Requirements

- CA - report monthly
 - Include all arrests, seizures, detections (Ion Scan), and other results
- DDR – As missions occur.
 - Load missions by lead agency, not date or support cat.
 - DDR mission event notes are required for each audience report
- Report all other missions as they occur

Unit Specific Requirements

- Continued attendance at IDT and AT condition of participation in CD duty
- Home unit is responsible for Weigh-in, APFT, Physicals, Annual Medical Screening and Promotions/Reductions
- Must Complete all required military Training, i.e. Suicide Prevention, SHARP
- Must Maintain Weapons Qualifications

Unit Specific Requirements

- CD Personnel will remain on FTNG CD orders while performing Annual Training.
- Soldiers and Airmen attending professional development schools will remain on CD orders for the duration of the school, **providing prior approval is obtained.**
- **Air Guard Personnel** - If annual training is performed at home station (no travel involved), AT orders NOT required. Memorandum required verifying dates and signed by Unit Commander
- **Army Guard Personnel** - If annual training is performed at home station (no travel involved) DTS Order required. If travel is required, Service member will prepare DTS Travel Orders for annual training.

Special Considerations

NGR 500-2, paragraph 8-11b (1-5)

1. Urinalysis testing is required upon entry on active duty, and personnel are subject to periodic testing while on active duty. These requirements are in addition to testing by units of assignment during IDT/IAD under the JNGSAP.
2. Requirement to continue attendance at IDT/IAD and AT while on FTNGDCD.
3. Status of funding from year to year.
4. Probability of criminal records checks, and/or security screening by LEAs of applicants serving in LEA offices or in positions where they are privy to operational information of LEAs. Applicants will be informed that such inquiries are likely to be completed after entry on duty and that rejection by LEAs could result in their removal from the CD program.

Special Considerations

5. Standards of Conduct.

a. National Guard members participating in the Counterdrug Support Program are required to comply with state laws and with DoD 5500.7-R. They are required to uphold the highest standards of conduct and personal appearance.

b. Outside employment, associations and off-duty conduct/activities must be consistent with federal directives on ethics and with state and federal conflict of interest policies. Outside employment will require written approval of CDC according to paragraph 8-25 of the NGR 500-2.

NGR 500-2. paragraph 8-11c

c. The above conditions of service will be clearly stated in announcements and advertisements for CD positions.

- My signature on the CD Briefing Certification certifies that I have read and understand these Special Requirements for Counterdrug duty.

National CD Strategy

Goals:

1. Provide Operational Support to Agencies in the CD Enterprise.
2. Deliver Premier CD Training
3. Build Partner Capacity
4. Remain Relevant and Reliable CD Partner.
5. Ensure a Ready Force for the future.

Additional:

- Enhance homeland defense and support
COCOM Theater Campaign Plans
- Facilitate greater information sharing
between DoD and LEA's.

Conclusion

- Ensure you sign training verification roster
 - Update Personnel records at this time